

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

GARY HARDEN,

Plaintiff,

v.

ARCILLA MINING AND LAND, LLC,

Defendant.

CIVIL ACTION NO. 5:12-CV-80(MTT)

ORDER

This matter is before the Court on the Consent Motion to Substitute Joy Webster, Chapter 7 Trustee, as Party Plaintiff (Doc. 16) and the Defendant's Motion to Withdraw its Motion to Dismiss and Motion to Stay the Proceedings (Doc. 17). Both Motions are **GRANTED**. (Docs. 16 and 17).

First, both parties move to substitute Joy Webster, as Trustee of the present-named Plaintiff's Bankruptcy Estate, as the Plaintiff in this case. The Motion is **GRANTED**, and Joy Webster, in her capacity as Trustee, is substituted as the Plaintiff in this case. Second, the Defendant's move to withdraw its previously filed Motion to Dismiss and Motion to Stay "in light of the Bankruptcy's Trustee's pending substitution into the case in the place of Gary Harden who is no longer a party in interest." (Doc. 17 at 1). The Motion is **GRANTED**, and the Defendant's Motion to Dismiss (Doc. 13) and Motion to Stay (Doc. 14) are withdrawn.

SO ORDERED, this the 19th day of June, 2012.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT